

Bureau  
The Law Society of  
Upper Canada

*Annual Report 2005*  
**Performance Highlights**



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## THE LAW SOCIETY OF UPPER CANADA

**F**ORMED IN 1797, AND INCORPORATED IN 1822, THE LAW SOCIETY OF UPPER CANADA IS THE ORGANIZATION RESPONSIBLE FOR GOVERNING ONTARIO'S LEGAL PROFESSION IN THE PUBLIC INTEREST.

The Law Society educates, admits and regulates the province's lawyers.

The Law Society's affairs are governed by directors known as benchers – most of whom are lawyers elected by the profession and some of whom are non-lawyers appointed by the provincial government.

### THE ROLE STATEMENT OF THE LAW SOCIETY OF UPPER CANADA

The Law Society of Upper Canada exists to govern the legal profession in the public interest

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by ensuring that the people of Ontario are served by lawyers who meet high standards of learning, competence and professional conduct;

.....

and upholding the independence, integrity and honour of the legal profession; for the purpose of advancing the cause of justice and the rule of law.

## ENHANCING OUR MANDATE TO BEST SERVE THE PUBLIC INTEREST

**I** AM DEEPLY HONOURED – AND GRATEFUL TO MY FELLOW BENCHERS – FOR ELECTING ME TO SERVE AS TREASURER OF THE LAW SOCIETY OF UPPER CANADA. This is an exciting time to lead the profession; new challenges and opportunities appear before us as the landscape in which the Law Society must regulate the profession continually evolves. This is also an auspicious time; the Law Society has been evolving and we are now more equipped than ever to fulfill our mandate.



Over the past eleven years, I have had the privilege of serving within Convocation in many capacities. As benchers, we have been unwavering in our dedication to uphold and ensure the high standards of the profession as well as to secure access to justice for the people of Ontario. And we have been equally vigilant about the standards of the Law Society itself, progressively refining our policies, initiatives and processes to ensure we are as accessible, efficient, transparent and accountable to the public as possible.

In 2005, Convocation made great strides toward these goals. Benchers dealt with serious access to justice issues such as the challenges facing sole practitioners and small firms. We developed and implemented standardized competency requirements for admission to the legal profession so that the public can be more assured of the high quality service it rightfully expects. We also adopted a set of rules to govern Convocation's procedures more effectively. And we reviewed our tribunals processes to make them as transparent and efficient as possible.

## *Ensuring Transparency*

I had the privilege of serving on the Tribunals Task Force, which made a series of recommendations to Convocation in May 2005 to improve the transparency, accessibility and timeliness of the Law Society's tribunals process. Convocation approved a number of these recommendations, including making tribunal hearings schedules and decisions available in a more timely way.

The Tribunals Task Force also presented to Convocation four other possible models for the tribunals themselves. The relative merits of these models are being examined by the Tribunals Composition Task Force, which will make recommendations to Convocation by June 2006.

Before complaints reach the tribunals stage, they must undergo thorough investigation. That is why, throughout 2005, the Investigations Task Force reviewed the current status and efficiency of the Law Society's investigations process, and reviewed performance and targets. This task force will report back to Convocation with recommendations for any policy, process or legislative changes that could improve the process.

## *Ensuring Access to Justice*

Sole practitioners and small firms play an integral and valuable role in ensuring that the people of Ontario, including those with lower incomes, have access to legal services and access to justice. The continued viability and success of these sole and small firm practices are essential to the public in Ontario. Examining the challenges these lawyers face has been a priority for Convocation.

Most lawyers in private practice (52 per cent) are sole practitioners or small firm lawyers, and they provide the majority of legal services to individual Ontarians. Unless they thrive, and unless the communities in which they practise can attract lawyers to replace those who retire, the public will not be adequately served.

In April 2005, the Law Society's Sole Practitioner and Small Firm Task Force presented to Convocation its report with detailed recommendations to address these practitioners' needs and challenges. These include continuing to develop and enhance effective programs, tools and resources for these lawyers, providing better information and education about private practice and establishing practices, facilitating mentoring and resource-sharing programs and educating the public about the vital role these lawyers play in meeting the public's legal service needs.

The Law Society invited and received a number of submissions regarding the report from the profession and legal organizations, including the Ontario Bar Association (OBA) and the County and District Law Presidents' Association (CDLPA). The submissions revealed agreement that the issues facing sole and small firm practitioners are of serious concern to the profession as a whole and have implications for the public interest. They also reflected support for the need to address these issues in a timely, coordinated and collaborative way.

To that end, a working group consisting of representatives of the OBA, CDLPA and the Law Society has been established to bring forward strategies and priorities, based on the Task Force's



recommendations and taking into account the legal organizations' submissions, to address the needs of sole practitioners and small firm lawyers in the interest of the public they serve.

### *Protecting the Public*

As regulators of Ontario's legal profession in the public interest, we have long sought protection for consumers of all legal services, including paralegal services. The Government of Ontario has introduced *Bill 14, the Access to Justice Act*, which would expand the Law Society's mandate to include regulation of all legal services in Ontario, including paralegal services.

Bill 14 recently received second reading in the Legislature, at which time Attorney General Michael Bryant noted that the regulation of paralegals will protect the public and increase access to justice. Once the legislation is passed, Convocation will still have much work to do in this area. We look forward to our continuing discussions with government about what is required to make paralegal regulation a reality in Ontario.

We also look forward to continuing to work with our other partners as we move forward on these and other issues. Collaboration and consultation are key to helping the Law Society understand issues and to identifying and implementing appropriate initiatives and policies to address them.

I would like to thank the Law Society's dedicated and talented team, which under the strong leadership of our CEO Malcolm Heins, has helped us win the honour of being on *Maclean's Top 100 Employers*' list for the third consecutive year.

I am very proud of our achievements and improvements. We will continue working to fulfill our mandate to regulate in the public interest and to improve our processes for doing so. I look forward to moving ahead in 2006 with my fellow benchers, Law Society staff, legal partners and colleagues in the profession. ■

Treasurer, *Gavin MacKenzie*

## STRIVING FOR EXCELLENCE

**G**OVERNING THE LEGAL PROFESSION OF ONTARIO IN THE PUBLIC INTEREST HAS BEEN THE MANDATE OF THE LAW SOCIETY OF UPPER CANADA SINCE IT WAS ESTABLISHED MORE THAN 200 YEARS AGO. The Law Society's mandate is as important and relevant now as it has ever been. We have faced many different challenges in the fulfillment of our mandate throughout our history. Fresh challenges have emerged even in the last five years while I have served as the Law Society's chief executive officer.

One major challenge currently facing the Law Society flows from our agreement to take on the regulation of paralegals. *Bill 14 – the Access to Justice Act*, introduced by the Attorney General in October – will, once passed, expand our mandate to regulate all legal services providers.

The Attorney General had made his view clear that the Law Society is well positioned to extend our mandate to protect consumers of all legal services – that we have the necessary experience, expertise, infrastructure and proven regulatory record. We are constantly striving for excellence as a regulator – to meet demands for information, transparency, accessibility and accountability.

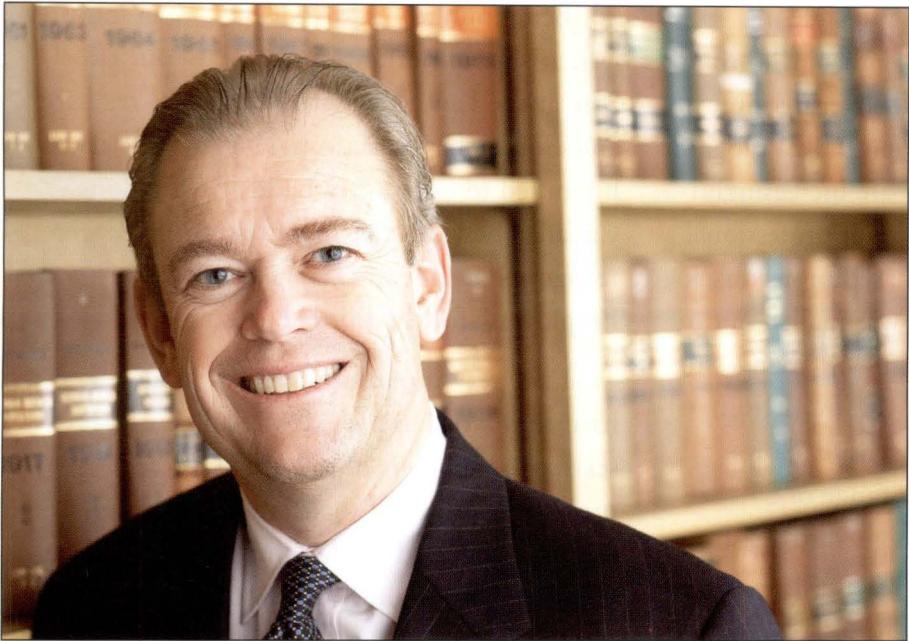
Over the past year, we remained focused on fulfilling our regulatory mandate in a way that demonstrates our commitment to the public interest.

Our ability to do this has been enhanced by Convocation's adoption of several new measures. Among these is an improved interim suspension power to offer the public better protection,

as well as summary hearings for members whose lack of cooperation with their regulator requires timely intervention.

We also continue to introduce process improvements that enhance our ability to treat both parties of a complaint fairly, and provide timely and helpful information about our process and the progress of any particular matter. In addition, we have devoted significant resources to serious regulatory issues. In particular, we continue to work with the real estate bar, law enforcement agencies and the financial services industry to prevent lawyer participation in mortgage fraud and raise public awareness about this important consumer protection issue.

And to make sure that new lawyers have the competencies required to provide legal services effectively in the public interest, the Law Society has introduced a new licensing process. Much of 2005 was spent gearing up for the May 2006 launch, developing and focus-testing the entry level competencies on new colleagues, with the result that we now have a fully validated process that fulfills our regulatory mandate.



To meet our obligations as a leading regulatory body, the Law Society continually looks for, listens to and learns about new ideas, new technologies and new ways of fulfilling our mandate. For inspiration, we look to successful and innovative institutions, industries and service-providers. We also look to our community partners, members of the profession and the public for critical feedback on a range of issues from the relevance and efficacy of our policies to the accessibility of legal services.

The legal profession and the public need and demand enhanced access to information and services. The Law Society is working to not only meet that need but to exceed expectations. We want to be a model regulator, and one of the ways we do this is by continually making our operations as efficient, accessible and transparent as possible.

Technology is critical to enable us to manage the quantity of information, the complex processes and volume of inquiries that we receive from members of the public and the profession.

Technology helps us protect and inform the public and educate members of the profession.

Late in 2005, we introduced a new case management system to assist our regulatory function. This new, comprehensive system ensures greater accountability and consistency in how we deal with over 5,000 regulatory complaints a year.

Last year we also made a number of enhancements to our public website to improve its overall accessibility, transparency and relevance. To make our website easier to use for people with disabilities we introduced enhanced navigation, a text zoom feature and a separate text-only website. Such features comply with internationally recognized accessibility guidelines. To improve the transparency of the Law Society's discipline process, we made the schedule of upcoming hearings publicly available by posting it on our website. The Law Society's website continues to be a valuable resource and reference for the public and the profession, with over 8.2 million pages viewed in 2005.

Our enhanced technology platform supports the licensing process for students, from the time of application through to completion of the required in-class and articling components. Students can now apply online for the licensing process.

Technology allows us to be flexible in addressing the needs of our members who want access to our services. We are delivering more online continuing legal education (CLE) programs and resources to lawyers, who are increasingly accessing online resources for their professional development requirements. Based on feedback from our 2005 survey, which was mailed out to 14,000 lawyers, we made significant changes to our online Member Resource Centre (MRC). The new content-rich MRC website allows members to easily find a wide range of information and resources designed to assist them in their practices.

And we are enabling broader access to our public legal education series by offering webcasts of forums on the Law Society's website. The Law Society continues to offer extremely popular public legal education forums in partnership with community organizations and legal partners. These forums facilitate the exchange of information and ideas on equality and human rights issues and celebrate achievements in diverse communities to help promote greater equity and diversity in the legal profession.

In addition to looking at ways to capitalize on technology, we continue to enhance our operational processes to ensure we deliver all our services as promptly and effectively as possible. In 2005, the National Quality Institute (NQI), which is the leading authority in Canada on workplace excellence based on quality systems and healthy workplace criteria, awarded the Law Society's Client Service Centre Level 1 certification. Our Client Service Centre employs best practices to ensure it is equipped to provide the most up-to-date information and assistance – in multiple languages and formats.

Being publicly acknowledged as an industry leader is an important validation of our efforts here at the Law Society to be a model regulator and employ best practices. The Law Society is honoured to once again be included among Canada's best practice organizations. We were recognized as one of "Canada's Top 100 Employers" for the third consecutive year.

I am very proud of our staff. I know how hard they work to provide the highest level of service to members of the public and the profession. Without their efforts we simply could not have achieved the level of success we have. Congratulations and thank you.

And I want to extend a warm welcome to our newly elected Treasurer, Gavin MacKenzie, who has been a bencher since 1995. His experience, commitment and knowledge of the Law Society and the legal profession make him an ideal leader. I look forward to working with him as we build a new regulatory model for the regulation of all legal service providers. ■



*Malcolm Heins, Chief Executive Officer*

# Developing policy to fulfill our mandate



CENTRAL TO THE LAW SOCIETY'S MANDATE TO REGULATE THE LEGAL PROFESSION IN THE PUBLIC INTEREST IS POLICY DEVELOPMENT AND IMPLEMENTATION.

## Major policy issues and initiatives in 2005

- ▶ Governance Task Force
- ▶ Investigations Task Force
- ▶ Tribunals Task Force
- ▶ Tribunals Composition Task Force
- ▶ Employment Opportunities for Articling Students Task Force
- ▶ Sole Practitioner and Small Firm Task Force
- ▶ Bencher remuneration
- ▶ Consultations with provincial and federal governments on:
  - Paralegal regulation
  - Money laundering legislation
  - Regulation of immigration consultants
  - Internationally-trained professionals
  - Title insurance
  - *Mortgage Brokers Act* amendments
  - Patent and trade-mark agents' bid to self-regulate
  - Bill 123, *Transparency in Public Matters Act, 2005*
- ▶ Submissions to:
  - American Bar Association's Task Force on Attorney-Client Privilege
  - Parliamentary and Senate Committees reviewing the *Anti-Terrorism Act* on behalf of the Federation of Law Societies of Canada
  - Provincial government on the Thomson Report, which made recommendations regarding internationally-trained individuals
  - Parliamentary Subcommittee on the process for appointment to the Federal Judiciary on behalf of the Federation of Law Societies of Canada

Elected members of the Law Society's board of governors, called benchers, regularly meet to develop and approve policies on many issues that affect the governance of the legal profession and access to justice. Their policy decisions are based on developments, changes and trends in Canadian law and are struck to meet the needs of those the Law Society serves. Law Society staff implement the decisions made by the governing board (called Convocation) through the creation and maintenance of Law Society programs, products and services.

In 2005, Convocation continued to work on a wide range of policy issues with a view to improving access to justice for the people of Ontario and enhancing the Law Society's effectiveness and efficiency as a regulator. While the list of issues is extensive (see sidebar), the following are some of the year's highlights.

### Tribunals Task Force

In May 2005, Convocation approved a number of recommendations presented by the Tribunals Task Force to enhance the Law Society's tribunals process and procedures, making them more timely, transparent, consistent and publicly accessible.

The mandate of the task force was to review all aspects of the Law Society's tribunals process – including the release and publication of orders and decisions and the processes for hearings, appeals and decision-making. The work of the

task force continues a periodic review of the Law Society's tribunals processes to make sure they operate in the public interest and are, transparent and fair to all parties.

Based on its findings, the task force made recommendations to Convocation related to case management, scheduling and adjournments, pre-hearing conferences, electronic hearings, issuance of summonses, in camera and non-publication orders, orders and reasons for decision, the establishment of timeline benchmarks, an adjudicators' code of conduct, the need for adjudicator education, the publication of hearings schedules and tribunal decisions.

The task force also provided a description of five possible models for tribunal composition. Convocation has established a Tribunals Composition Task Force to examine these models and make recommendations regarding the composition of Law Society tribunals.

### *Investigations Task Force*

Timely and effective investigations are critical components of the regulatory process and a core function of the Law Society in the fulfilment of its mandate to protect the public. In November 2004, Convocation created the Investigations Task Force to examine how the Law Society conducts investigations.

Throughout 2005, the Investigations Task Force reviewed the current status and efficiency of the Law Society's investigations process, reviewed performance and targets, identified issues that could affect the process and completion of investigations and considered necessary and available resources.

The task force will report to Convocation with recommendations for determining appropriate timelines and any policy, process or legislative changes required to improve the process.

### *Sole Practitioner and Small Firm Task Force*

In April 2005, the Law Society's Sole Practitioner and Small Firm Task Force presented its final report to Convocation. The task force was established in 2003 to learn about the challenges and pressures faced by sole and small firm practitioners, the implications for the public's access to justice and lawyer services and to make recommendations to address identified issues.

The report found that sole practitioners and small firm lawyers have an integral and valuable role in ensuring that the people of Ontario have access to legal services and access to justice. Sole and small firm practitioners form the backbone of Ontario's legal profession, comprising 52 per cent of lawyers in private practice in the province.

The Task Force made 11 recommendations to maintain the viability of sole practitioners and small firms and maintain access to lawyer services in smaller communities. They include devoting more programs, tools and resources specifically for sole and small firm practitioners, exploring ways to match sole and small firm practices with others for mentoring purposes and to share resources, and continuing to educate the public about the vital role sole practitioners and small firm lawyers play in ensuring the public's legal needs are met.

The Law Society invited and received a number of submissions regarding the report from the profession and legal organizations. There is agreement that the issues facing sole and small firm practitioners are of serious concern to the profession as a whole and must be addressed in a coordinated and collaborative way. A working group consisting of representatives of the OBA, CDLPA and the Law Society has been established to bring forward strategies and priorities to address the needs of sole practitioners and small firm lawyers in the interest of the public they serve.

### *Bench Remuneration*

In a referendum in February 2005 Ontario lawyers voted 58 per cent in favour of and 42 per cent against a specific proposal for bencher remuneration. Convocation had previously approved in May 2004 a proposal for remunerating benchers and agreed not to implement the proposal unless the profession approved it in a general referendum.

The referendum was the Law Society's first-ever use of electronic voting. A total of 8,802 members voted – representing 24.6 per cent of the 35,787 eligible voters. The number of votes broke down as follows:

- Yes 5,118
- No 3,684

The definitions, processes, and reporting that will be used for the administration of bencher remuneration were also approved by Convocation in September 2005. Under the approved process elected benchers, former treasurers and ex-officio benchers will be remunerated for eligible activities. Remuneration will be at \$300 per half day and

\$500 per full day, with an annual inflation adjustment or adjustment after review by the Law Society's Finance and Audit Committee. Remuneration is retroactive to May 28, 2004.

There will be an annual deductible of 26 days before benchers can be remunerated for their time. The remuneration cycle will be based on the bencher year (June 1 to May 31), and eligible activities will include:

- Convocation, meetings of committees, task forces, and working groups, special Convocations, calls to the bar, bencher information sessions, and bencher education sessions
- Hearing panels, appeal panels and pre-hearing conferences
- Meetings attended as the Law Society's official representative at the direction of the Treasurer or Convocation

### *New Licensing Process*

Over 1,800 Ontario lawyers, contributing 7,500 hours, provided input into the development of the new Licensing Process the Law Society is launching in May 2006. Convocation approved the final design for the process in February 2005.

The focus of the Licensing Process is to ensure new lawyers continue to meet high standards of learning and competence. At the same time, the new process decreases licensing fees and enables candidates to be called to the Ontario bar and practise law two months sooner.

Lawyers across the province were recruited to participate in competency development teams, focus groups, surveys and examination teams.

They helped the Law Society define and validate competencies that will be instructed, tested or supported in the Licensing Process.

Ontario lawyers will also continue to be involved serving as instructors and articling principals, developing program materials and reference materials for the licensing examinations, providing tutoring and mentoring to candidates, and developing and validating examination questions, assessments and assignments.

### *Disability Working Group*

In December 2005, Convocation approved recommendations of the Disability Working Group designed to increase access to the legal profession for law students and lawyers with disabilities.

The Law Society appointed a Disability Working Group at the end of 2004 to develop strategies to address barriers faced by law students and lawyers with disabilities in accessing and remaining in the legal profession.

In 2005, the working group undertook a province-wide consultation with lawyers with disabilities practising in all areas

of law and types of practice or working in other environments to determine what programs and initiatives could be developed to address barriers. Participants also included some lawyers called to the Ontario bar but not employed or residing in Ontario. Based on this consultation, the Disability Working Group produced the *Increasing Access to the Legal Profession Report*, which was presented with its recommendations to Convocation in December 2005.

Convocation adopted the working group's recommendations including developing a mentoring and peer support program, online resources and a series of other initiatives to increase access to the legal profession. ■



*Members of the Law Society's Disability Working Group include (from left to right): chair and Law Society bencher Thomas Heintzman, David Crocker (Davis & Company), bencher Laurence Pattillo, Milé Komlen (CIBC Employment Equity Consultant and member of the Law Society's Equity Advisory Group), Martin Anderson (Department of Justice) and Margherita Braccio (Department of Justice). Working group members not pictured include: Ena Chadha (Counsel, ARCH Disability Law Centre), Phyllis Gordon (Executive Director, ARCH Disability Law Centre and member of the Equity Advisory Group), Stefanie Marinich (Sole Practitioner), Chris Montague (Executive Vice-President and General Counsel, Toronto Dominion Bank), Christy Smith-Worthylake (Student, Faculty of Law, University of Ottawa) and bencher Joanne St. Lewis (Chair of the Equity and Aboriginal Issues Committee).*

**T**HE *LAW SOCIETY ACT* REQUIRES THE LAW SOCIETY TO ENSURE THE PEOPLE OF ONTARIO ARE SERVED BY LAWYERS WHO MEET HIGH STANDARDS OF LEARNING, COMPETENCE AND PROFESSIONAL CONDUCT. The 1999 amendments to the *Law Society Act* reinforced this obligation.

The Law Society has taken a proactive, preventive approach to lawyer competence to prepare and support students-at-law and lawyers in their efforts to provide quality service and legal work.

The Law Society is committed to life-long learning, from the time a candidate enters the profession and throughout the lawyer's career. This commitment supports the fulfillment of our competence mandate and instills confidence that the public has access to competent legal services.

#### *Reforming the way we license lawyers*

## LICENSING Process

Development of the key components of the new Licensing Process was substantially completed in 2005. Over 1,800 Ontario lawyers contributed 7,500 hours providing input into its design.

All the components of the Licensing Process focus on the entry-level competencies required to provide legal services effectively and in the public

interest and include guidance on ethical issues and the *Rules of Professional Conduct*.

The Licensing Process includes:

- A mandatory five-week Skills and Professional Responsibility Program.
- Two licensing examinations: a barrister examination and a solicitor examination.
- A 10-month articling term.

Administration for the Licensing Process has now moved toward a Web-enabled electronic environment and the new online application system was successfully launched in November 2005, to support the first group of Licensing Process students.

#### *Admission to the Bar*

Candidates for call to the Bar of Ontario must complete the Law Society's admissions program and demonstrate they possess required entry-level competencies to provide legal services effectively and in the public interest. In May 2006, the above competency-based Licensing Process replaces the former Bar Admission Course.

In 2005, the Law Society called 1,422 students and transfer candidates to the Ontario bar at ceremonies held monthly at Convocation and in July in Ottawa, London and Toronto.

### *e-Learning*

E-learning continued in 2005 to be an important tool for students in the admissions process. The Law Society's e-Learning site offers a flexible, accessible and user-friendly learning support system through which students can access online resources anywhere, anytime.

The e-Learning site was well accessed by students in the admissions process in 2005, with over 63,000 visits. Using the site helps familiarize students with the learning formats they will encounter throughout their careers as they participate in various continuing legal education programs.

The e-Learning site continues to be enhanced and provides students with 24-hour access to information and supports on the Licensing Process, including practical guides and other resources to support them in the articling term.

## EDUCATION SUPPORT SERVICES

The Law Society's Education Support Services unit provides a range of services and programs to help support students in their learning and articling experience.

The Law Society offers accommodation and special needs supports for students in the admissions process through the Education Support Services unit. In 2005, many of these students accessed laptops and special software, made examination arrangements and other accommodations.

### *Repayable Allowance Program*

The Law Society offers financial assistance through its Repayable Allowance Program to admissions students who demonstrate need in meeting their educational and living expenses during the process. In 2005, the Law Society approved a total of \$212,482 to assist 66 students.

### *Law Society Placement Initiatives*

The Law Society provides an articling mentor program, job search skills workshops and counselling services to assist students-at-law in finding articling positions. Articling postings are made available on the Law Society's website.

In 2005, the Law Society held two job search skills workshops in June and posted 93 articling placement opportunities online. Also, 51 students joined the articling mentor program and 67 posted biographical summaries to seek articling positions.

## CONTINUING LEGAL EDUCATION

To fulfill its mandate to ensure that lawyers meet high standards of learning, competence and professional conduct, the Law Society refocused its continuing legal education (CLE) programming and made a transition to a quality assurance, curriculum-based model of professional development.

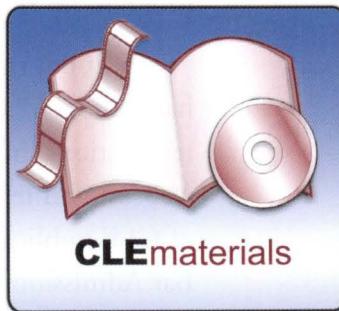
Both the content and the format of the Law Society's programs are now specifically designed to serve the needs of lawyers at the essential, intermediate and advanced levels of experience in a variety of practice areas.

In addition to traditional lecture programs for lawyers and law clerks, the Law Society offers problem-solving workshops (Case Files Series), advanced level discussion group opportunities (Advanced Roundtable Series), essential seminars on practice basics (Practice Gems) and practice management skills workshops.

In 2005, the Law Society offered 72 CLE programs through a variety of formats and delivery methods to improve accessibility and assist lawyers in meeting their professional development goals. Attendance at Law Society CLE in 2005 was 16,273.

### *Interactive Learning Network*

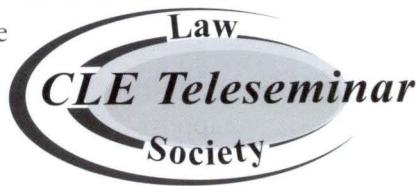
The Interactive Learning Network (ILN) enables lawyers to attend and participate in live programs without incurring the costs associated with absence from the office and long distance travel.



Through ILN, live interactive CLE programs are broadcast, in real time, to multiple locations across Ontario by videoconference. Since its launch in 2003, ILN has proven very successful. In 2005, there were 1,597 registrations for the 35 programs available on the ILN.

### *Teleseminars*

Teleseminars allow the Law Society to organize a CLE program on an important and timely issue quickly and in a format that makes it accessible to every lawyer across the province.



Lawyers can join in a teleconference call scheduled at convenient times, for example at lunch hour or before or after work. Also, any number of participants can listen in at a registered location at no additional cost. The Law Society offered nine teleseminars in 2005, with 1,644 participants.

## *Web-based Learning*

The Law Society has been providing interactive webcasts of selected CLE programs in partnership with BAR-eX Communications Inc. since 2003.

Webcasts feature live video and audio streaming, include downloadable written materials and participants can submit questions during the session.

In 2005, we increased the number of live webcast programs from 29 to 42, with 2,276 members taking advantage of this option, up from 1,198 in 2004.

## *Other Products*

Law Society legal publications, including materials prepared for CLE programs, continue to be a popular learning format for Ontario lawyers, with 10,975 units provided in 2005.

## *e-Transactions*

The Law Society continued to use technology in 2005 to make registering, purchasing and accessing CLE products even easier for lawyers. The CLE page of e-Transactions, the Law Society's secure e-commerce site, allows lawyers to register online for CLE programs, purchase and download materials and order and view a program on their desktop.

In 2005, the CLE page of e-Transactions had almost 62,000 visits, with more than 3,775 transactions, including registrations for live, ILN, webcast and teleseminar programs and purchases of CLE publications, CD-ROMs and the 2005 Bar Admission Course Reference Materials.

### **Top 10 Most Popular Programs**

Six-Minute Real Estate Lawyer 2005

Title and Off-Title Searching for Lawyers

Six-Minute Family Law Lawyer

2nd Annual Real Estate Law Summit

9th Annual Intellectual Property Law  
The Year in Review

Civil Litigation for Law Clerks (5th Annual)

8th Annual Six-Minute Employment Lawyer

Safeguarding Real Estate Transactions

Statutory Accident Benefits for Law Clerks

8th Annual Estates and Trusts Summit

## PRACTICE MANAGEMENT SUPPORT

### *Online Materials*

Lawyers' use of the Bar Admission Course Reference Materials on the Law Society's website continued to be popular in 2005. The materials, which are a well-known and highly regarded resource, are available free to lawyers with their member number.

The materials are presented in Adobe® PDF file format and are fully searchable, making them a highly useful tool for research and reference alike.

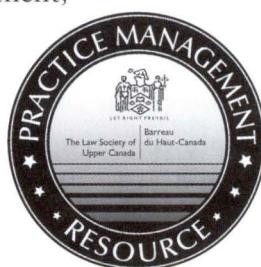
In 2005, over 2,693 members accessed the materials online.

### *Practice Management Guidelines*

The Practice Management Guidelines are practical online tools to help lawyers assess and enhance the quality of their client service and practice management skills, and to avoid the errors commonly seen in Law Society discipline matters.

The Guidelines focus on eight practice management areas: client service and communication; file management; financial management; technology; professional management; time management; personal management and closing down your practice.

In 2005, 26,571 visitors to the Law Society's website accessed the Practice Management Guidelines, an increase of 27% from 2004.



### *Practice Management Helpline*

Professional Development and Competence counsel responded to 5,347 inquiries from lawyers and their representatives relating to the application of the *Rules of Professional Conduct* and ethical issues.

Law Society staff monitor these inquiries and proactively develop a range of resources including articles, frequently asked questions, workshops and practice tips to address member issues.

This service is particularly popular with sole practitioners and those in small firms.

### *Certified Specialist Program*

The Law Society provides the designation of Certified Specialist in Ontario for those who meet specific standards of experience and knowledge in designated fields of law and have maintained high standards of professional practice.

In 2005, there were 699 Certified Specialists in Ontario across 13 specialty areas that have met standards determined by a combination of practice experience, legal education and peer review.



The Law Society provides a Directory of Certified Specialists free-of-charge on its website to help members of the public and profession easily locate a lawyer who specializes in a specific area of law. This interactive directory is searchable by city and specialty area at: [www.lsuc.on.ca](http://www.lsuc.on.ca).

With the assistance of lawyers who volunteered to serve on specialty working groups, in 2005 the Law Society developed standards and learning criteria for Health Law and Municipal Law and redesigned its Workers' Compensation and Insurance Law specialty area.

### *Best Practices Self-assessment Tool*

The Best Practices Self-assessment Tool is a strictly confidential, online resource designed to assist members in assessing their capabilities in five core areas of practice management: client service and communication, professional behaviour and development, personal management, practice management and technology. The tool was developed in consultation with a cross-section of exemplary members of the profession to determine the critical competency areas and validate the final product.

This tool is the only one of its kind in North America designed for the legal profession. One hundred per cent of users of the tool have less than five years' experience.

### *Spot Audit*

The Professional Development and Competence department conducts spot audits as a proactive compliance measure and problem detection tool. Audits assist members in assessing both the integrity of law firm financial filing and compliance with financial record-keeping requirements and the *Rules of Professional Conduct*. The department also provides on-site guidance to help members correct minor deficiencies in record-keeping practices before they lead to serious non-compliance or misconduct issues. In 2005, the Law Society completed 1,127 audits.

## LIBRARY SERVICES

At a time when changes to the law are occurring rapidly, the need for easy and convenient access to legal information and resources has never been more important.

### *Great Library*

In 2005 the library, in conjunction with LibraryCo Inc. and the County and District Law Presidents' Association (CDLPA), conducted a survey to better determine the information service needs of Ontario lawyers and to provide guidance in implementing more user-friendly systems.

In 2005, 79,500 visits were made to the Great Library's website. One of its most popular features – the current awareness service, "Stay Informed," compiled by library staff – generated 24,200 visits. Reference inquiry services, whether through e-Reference, telephone or in person, continue to be in demand, with 44,500 inquiries received last year.

## CanLII

CanLII was created as a joint initiative with Canada's other legal regulators through the Federation of Law Societies of Canada to provide free legal information from the courts, government, and others to both lawyers and the public.

CanLII now publishes 13 out of 14 Canadian jurisdictions' legislative collections, which are updated monthly. All versions of statutes are retained so that amendments can be tracked. Decisions from numerous Boards and Tribunals are now also available on the CanLII site.

By the end of 2005, CanLII had 309,210 decisions on its website: 159,765 English and 149,445 French. ■

## Online Member Resource Centre

An online Member Resource Centre (MRC) has been added to the Law Society's main website to make the process of finding information even more effective and efficient.

The new MRC website allows lawyers to easily find a wide range of information and resources to assist them in their practice.

User feedback was instrumental in developing the new site. In June 2005, the Law Society mailed a survey to over 14,000 lawyers to gauge usage and impressions of various resources. Based on feedback received, the Law Society made significant changes to its Member Resource Centre including:

- ▶ Improved navigation structure
- ▶ Re-organized and streamlined Law Society services, information and products
- ▶ New section for sole and small firm practitioners
- ▶ Specific MRC-only search capability to help find all resources available on a particular issue
- ▶ Custom-designed online tool called **The Knowledge Tree**, which is a comprehensive Q&A of the most popular practice management subjects asked about by lawyers
- ▶ Automatic printer-friendly feature

The online Member Resource Centre is accessible at: [www.lsuc.on.ca](http://www.lsuc.on.ca).

THROUGH OUR CLIENT SERVICE CENTRE (CSC), THE LAW SOCIETY IS EQUIPPED TO RESPOND TO A WIDE RANGE OF REQUESTS FOR INFORMATION AND SERVICES FROM BOTH THE PUBLIC AND THE LEGAL PROFESSION. Our Call Centre has bilingual (English and French) staff available at all times, and we can accommodate callers in other languages as well.

In 2005, the CSC handled nearly 500,000 contacts, which included letters, e-mails, faxes, calls and in-person inquiries. Their nature ranged from general questions, lawyer complaints and Lawyer Referral Service calls to adjusted billing/refund requests and questions about the Member's Annual Report.

### General Inquiries

Telephone calls continue to represent the primary method of communication with the Law Society. We have four major call streams: Member Resource Centre; Reception; Complaints Reception; and the Lawyer Referral Service.

Method of Contact	2003	2004	2005
Telephone	313,067	322,539	316,908
Mail	95,453	87,965	102,889
Fax	23,363	29,322	29,384
E-mail	18,691	24,435	20,269
E-Filing	9,345	14,661	17,972
Walk-ins	7,345	9,774	6,466
Total	467,264	488,696	493,888

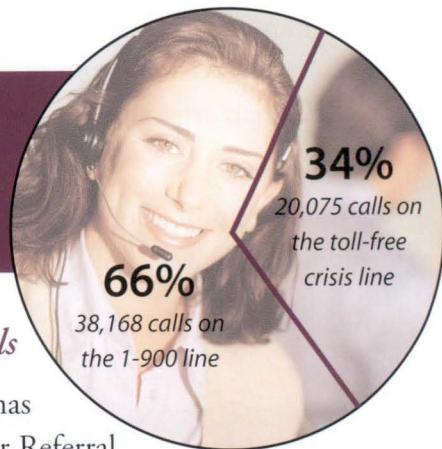
**The Lawyer  
Referral Service  
received 58,243  
calls in 2005.**

### Lawyer Referrals

The Law Society has offered our Lawyer Referral Service (LRS) to the public for more than 30 years. This program supports the Law Society's role in governing in the public interest, by promoting greater access to legal services in Ontario.

Callers to this popular service are offered a consultation of up to a 1/2 hour with a subscribing lawyer in the geographic region of their choice.

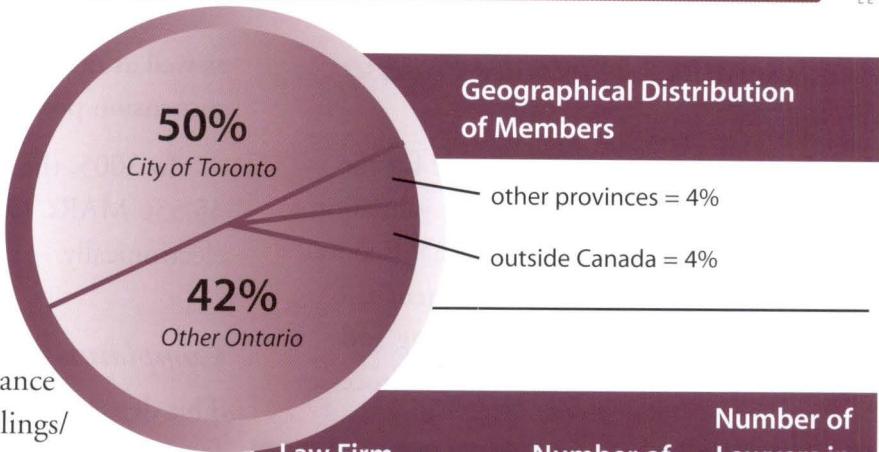
By December 2005, 1,701 lawyers were subscribers to the Lawyer Referral Service.



## Membership Services

Total membership in the Law Society stood at more than 36,800 lawyers at the end of December 2005. Membership Services processed 35 different types of member-related transactions, including maintenance of contact data and adjusted billings/refund requests. High-volume transactions included:

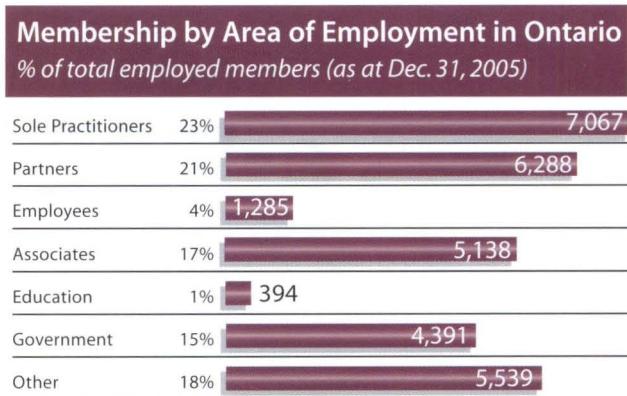
- 6,948 adjusted billings and refunds – *5% higher than 2004*
- 22,626 database information changes
- 14,569 miscellaneous requests
- 6,098 visitors



Law Firm Size	Number of Firms	Number of Lawyers in those Firms
1 lawyer	6,105	6,105
2-10 lawyers	1,809	6,174
11-25 lawyers	130	2,058
26-50 lawyers	28	929
51+ lawyers	31	4,512
<b>Total in private practice:</b>	<b>8,103</b>	<b>19,778</b>

		2003	2004	2005
Under 30	Men	978	944	964
	Women	1,288	1,306	1,339
30-39	Men	5,291	5,312	5,206
	Women	4,785	4,970	5,197
40-49	Men	6,192	6,110	6,107
	Women	3,757	3,903	4,039
50-65	Men	7,776	8,204	8,616
	Women	1,852	2,141	2,433
Over 65	Men	2,564	2,666	2,777
	Women	131	145	160
<b>Total</b>	Men	<b>22,801</b>	<b>23,236</b>	<b>23,670</b>
	Women	<b>11,813</b>	<b>12,465</b>	<b>13,168</b>
<b>TOTAL</b>		<b>34,614</b>	<b>35,701</b>	<b>36,838</b>

Sole practitioners still make up the largest proportion of practising lawyers. However, according to our data, there has been a significant decline in the number of new lawyers becoming sole practitioners. In 1995, lawyers aged 25 to 35 made up 20 per cent of all sole practitioners in Ontario; the current figure is less than 8 per cent.



\* Total employed members = 30,102

\* Other category includes corporate and non-profit sectors.

## *Administrative Compliance Processes (ACP)*

The ACP department is responsible for the design, distribution, collection and validation for completeness of all Member's Annual Report (MAR) filings. Staff in this department also administer the authorization, licensing and renewal of a variety of by-law related processes

### **By-law Related Transactions Handled by ACP**

Retirement	115
Resignation	116
Professional Corporations	965
Foreign Legal Consultants	67
Readmission	15
Rule 6.07 – Preventing Unauthorized Practice	-
Affiliations with Non-Members	12
Multi-disciplinary Practices	1
Specialist Certification	648
Occasional Appearances	-
Transfer Candidates	18
National Mobility	91

*E-filing grows  
in popularity*



Electronic filing of the Member's Annual Report (MAR) has grown in popularity every year since its introduction. A milestone was reached last year when over half of Ontario's lawyers took advantage of this service, which offers the dual benefits of environmental conservation and reduced handling and processing costs.

as well as duties related to the administrative suspension process.

In 2005, the Law Society received a total of 35,536 MARs. Of these, 51 percent were filed electronically.

## *Complaints Services*

This department is the first point of contact for anyone with a complaint about a lawyer in Ontario. New complaints are opened and logged, and their receipt is acknowledged to the complainant. Items of correspondence related to existing complaints are also matched with their appropriate files.

Complaints Services responds to complaints about issues that are not within the Law Society's jurisdiction. Where appropriate, staff in this area refer complainants to other resources. In addition, they also attempt to resolve certain types of complaints from financial institutions.

Remaining complaints that may be within the Law Society's mandate are streamed by Complaints Services to the Intake Department of the Professional Regulation Division. ■

### **Total Complaints Received and/or Reopened in 2005**

Within mandate

- Received by Professional Regulation Intake 4,866
- Received by Trustee Services 14

Outside mandate and/or closed by Complaints Services 3,347

**Total**

**8,227**

## A S A PUBLIC BODY WITH A PUBLIC INTEREST MANDATE, THE LAW SOCIETY'S FIRST AND FOREMOST RESPONSIBILITY AS REGULATOR OF ONTARIO'S LEGAL PROFESSION IS CONSUMER PROTECTION.

That means protecting consumers of legal services from lawyers who have been dishonest, not provided good service or have demonstrated professional misconduct. Central to this role is having a complaints process in place that is responsive, transparent and accessible.

All lawyers are required to conduct themselves according to the *Rules of Professional Conduct* and applicable laws including the *Law Society Act*, its regulations and by-laws. The Law

Society monitors lawyer conduct, and within its mandate responds to complaints about conduct.

The Law Society's Professional Regulation Division carries out a variety of activities in the course of lawyer regulation. When the Law Society receives a complaint that falls within our jurisdiction, either staff work with the client and lawyer to resolve the issue, or the complaint is directed to the investigation stream, which could result in prosecution.

### THE COMPLAINTS PROCESS – Path of a complaint from receipt to closure

#### *Client Service Centre – First point of contact*

Complaints to the Law Society about Ontario lawyers must be in writing, and are initially processed by the Client Service Centre's Complaints Services department. This group first identifies complaints that fall outside the Law Society's mandate, and (where practical) identifies other resources that may be of assistance to the complainant. Most files that are identified as being within our mandate are transferred to the Intake department

of the Law Society's Professional Regulation division. However, Complaints Services also attempts to resolve certain types of complaints from financial institutions.

In 2005, almost 60 per cent of complaints (4,866) received by the Law Society were within its mandate and directed to the Professional Regulation Division, a six per cent increase from the previous year. The Intake Department receives all of those complaints.

### New Complaints Received by the Law Society in 2005

Received by LSUC (Client Service Centre)	8,227
• Received by Professional Regulation Intake	4,866
• Received by Trustee Services	14
• Outside LSUC jurisdiction and/or closed by Complaints Services	3,347
Closed by Intake	2,131
<b>Referred by Intake</b>	
• To Complaints Resolution	1,961
• To Investigations	722
• Other Departments	52
<b>Cases Completed in Complaints Resolution</b>	
• Complaints Closed	1,666
• Complaints Transferred Out	122
<b>Cases Completed in Investigations</b>	
• Complaints Closed	606
• Complaints Transferred Out	295

*Most complaints that are transferred out are sent to Discipline*

### Intake - Case Management

The role of Intake is to identify any regulatory issues revealed by an incoming complaint, ensure the complainant has provided adequate documentation to support the allegations of misconduct and then stream the case to the appropriate regulatory department. Intake also has an important case management function in determining the approach that will best serve the interested parties and linking the parties to the relevant areas of the Law Society.

Intake was created to help streamline the receipt of and response to complaints. With Intake staff reviewing files earlier, more files are being resolved earlier, where possible. By year-end, 2,131 of the new complaints received by the Law Society in

### Enhancing public protection

In 2005, the Law Society's governing body, Convocation, approved a number of changes to enhance its regulatory effectiveness. Some of these include:

#### ► Interim Suspensions

Convocation approved amendments to the *Rules of Practice and Procedure* to enhance the Law Society's ability to obtain interim suspensions. This allows the Law Society to more effectively protect the public from risk and act quickly to stop misconduct.

#### ► Summary Hearings

Lawyers who fail to respond to or cooperate with the Law Society, or who fail to maintain financial records as required by the by-laws, may be prosecuted more quickly as a result of amendments to the *Rules of Practice and Procedure* in 2005.

#### ► Regulatory Meetings

To increase transparency in those circumstances where lawyer misconduct must be addressed but formal discipline proceedings are not warranted, the

Law Society may now authorize a regulatory meeting which may be publicly noted. The regulatory meeting may be authorized in circumstances where the lawyer's conduct occurred in a public forum, and the public is expecting or would reasonably expect to receive a Law Society response to the issue.

**As part of efforts to fight fraud and raise awareness of this important public protection issue, the Law Society:**

- Released an information report in March 2005 that summarizes the issue and scope of mortgage fraud and summarizes what the Law Society and its partners in the mortgage industry are doing to prevent and reduce fraud.
- Formed a Working Group on Real Estate Issues to address a range of issues arising in real estate practice. The working group includes Law Society benchers and representatives from the Ontario Bar Association Real Property Section and the County and District Law Presidents' Association and the Ontario Real Estate Lawyers Association.

Complaints received by Area of Law 2005	
Area	%
Administrative / Immigration Law	3.25%
Civil Litigation	22.36%
Corporate / Commercial / Business	2.23%
Criminal	6.23%
Estates / Wills	5.50%
Matrimonial / Family	23.13%
Other	16.28%
Real Estate	20.54%
Student Misconduct	0.49%

2005 concluded at the Intake stage, often by means of a resolution to the satisfaction of the complainant and the lawyer.

### Complaints Resolution

The role of Complaints Resolution is to investigate and resolve complaints that may involve less serious breaches of the *Rules of Professional Conduct* and to seek authorization for disciplinary proceedings where necessary.

Complaints Resolution handles the largest volume of complaints. Approximately 40 per cent of the complaints received by the Professional Regulation Division were directed to Complaints Resolution.

Complaints Resolution Issues in 2005	
Area	%
Conflicts	6.24%
Financial	0.70%
Governance	3.62%
Integrity – Other	6.99%
Integrity – Misleading	10.66%
Integrity – Civility	11.92%
Other Issues	2.71%
Service Issues – Other	11.53%
Service - Withdrawal / Abandonment	5.02%
Service – Fail to follow instructions	8.56%
Service - Fail to communicate	12.31%
Service - Fail to serve client	19.74%

### Investigations

The primary responsibility of the Investigations department is to investigate allegations concerning a lawyer's conduct or capacity, in light of the *Law Society Act*, the by-laws, or the *Rules of Professional Conduct* that are likely to lead to discipline proceedings. Investigations are authorized under section 49.3 of the *Act*.

In 2005, almost 15 per cent (722) of complaints that came into the Professional Regulation Division were directed to Investigations. The investigating staff includes lawyers, investigators and auditors. On completion of the investigation, a complaint is referred by the Director of Professional Regulation to the Proceedings Authorization Committee (PAC), closed or resolved. The PAC consists of benchers appointed by Convocation to make a determination as to whether a matter ought to proceed to prosecution. The PAC may also authorize a file closure or a case settlement.

Investigations is also responsible for a number of other types of investigations under the *Law Society Act*. Among these is the prosecution of unauthorized practice under Section 50 of the *Act*. Unauthorized practice occurs when a person holds himself or herself out as a barrister or solicitor without proper Law Society membership.

#### 2005 Issues - Investigations

Conflicts	4.37%
Financial	4.62%
Financial – Misappropriation / Misapplication	13.85%
Financial – Real Estate / Mortgage Schemes	9.36%
Governance – Other	12.64%
Governance – Unauthorized Practice	8.14%
Integrity – Other	10.33%
Integrity – Civility	4.50%
Integrity – Misleading	4.98%
Service – Fail to communicate	5.59%
Service – Fail to serve client	6.08%
Other service issues	12.27%
Other issues	3.28%

#### Unauthorized Practice 2005

<i>New Files Opened -</i>	73
<i>Investigations Completed</i>	120
No evidence of unauthorized practice	59%
Closed on agreement	35%
Prosecution	6%

#### Discipline

Discipline counsel represent the Law Society before the Hearing and Appeal Panels, and in the courts when appeals are taken from decisions of the Panels. They provide counsel advice for cases in the investigations and resolution processes, many of which settle or close without formal discipline action. The Discipline department is responsible for the prosecution of a variety of matters including those concerning lawyer conduct, non-compliance, capacity and competency, as well as applications for admission to the Law Society, and applications for reinstatement or readmission.

As part of their prosecution responsibilities, counsel provide advice to investigative staff and the Director. Once authorized to prosecute, they have carriage of the prosecution including pre-hearing and hearing processes.

Discipline counsel are also responsible for responding to urgent regulatory issues which

#### 2005 Discipline

##### *Number of matters heard and disposed of by Hearing Panel*

Admonitions	8
Reprimands	9
Suspensions	39
Permission to resign	5
Disbarments	9
Dismissed	3
Withdrawn	5
<b>Total:</b>	<b>78</b>

require applications for interim suspension where there is a concern for public protection. In such cases they are required to rapidly prepare what are sometimes complex cases in order that they may be brought before a Hearing Panel for decision. With the introduction of the Appeal Panel in 1999, the Discipline caseload has included a number of appeals from Hearing Panel decisions.

### Members / Complaints in the Discipline Process – 2005 Overview

Date Period	Number of Members in Discipline Process	Number of Complaints in Discipline Process
January 2005	117	492
December 2005	175	617

### Tribunals

After the Proceedings Authorization Committee has determined a matter ought to proceed to prosecution, an application is issued and served on the member. The Tribunals Office, which is independent of the prosecutorial arm of the Law Society, then starts its process.

Staff in the Tribunals Office manage the administration of the Law Society's Hearing and Appeal Panels and provide support to benchers in their role as adjudicators. Hearing and Appeal Panels are composed of benchers – lawyers and lay people who are responsible for determining the appropriate disposition of matters.

Tribunals Office staff schedule hearings and appeals, maintain tribunal files on each case, act as clerk in the hearings and appeals, prepare the formal orders of the Hearing and Appeal Panels, coordinate the Panel's writing of reasons, and prepare them for publication.

To assist in ensuring the Law Society's regulatory function is transparent to the public and the profession, the reasons for decision given by Hearing and Appeal Panels, both oral and written, are published on both Quicklaw and CanLII.

### 2005 Tribunals Office Statistics

Total number of files opened	134
Total number of files closed (for files opened in 2005 or earlier)	116
Total number of files heard by the Hearing Panel (may include files heard on more than one occasion in 2005)	135
Total number of members before the Hearing Panel	107
Total number of files heard by the Appeal Panel (may include files heard on more than one occasion in 2005)	10
Total number of members before the Appeal Panel	9

Following the hearing, the Tribunals Office prepares the formal order and serves it upon the parties. The parties have a right to appeal to the Law Society's Appeal Panel. The appeal period is 30 days from the date of service of the Hearing Panel order. There is a further right of appeal to the Divisional Court in certain circumstances. ■

## *Complaints Review*

When a complaint is closed in the Professional Regulation Division and a complainant is dissatisfied with the result, the Complaints Resolution Commissioner (CRC) can review the case.

The office of the CRC is created by the *Law Society Act* (section 49.14) to be independent from the Law Society. The CRC will conduct an independent and impartial review of the Law Society's investigation and the decision to close the complaint file. After reviewing the Law Society's decision, the CRC, in accordance with the by-laws, has two options. The first is to agree that the Law Society's review and outcome are reasonable and that the file will remain closed. Alternatively, the Commissioner may decide to refer the matter back to the Law Society with a recommendation to take further action.

The role of the Commissioner is established by the *Law Society Act* and the by-laws of the Law Society. The current Complaints Resolution Commissioner is former Ontario Ombudsman

Clare Lewis, who was appointed for a two-year term. Mr. Lewis assumed this role in April 2005. He is also responsible for providing alternative dispute resolution services for members of the public and lawyers who are the subject of complaints. The Professional Regulation Division provides staff support for Complaints Review.

## *Monitoring and Enforcement*

The Monitoring and Enforcement department is responsible for enforcement of Hearing Panel orders and lawyer undertakings. Department activities include enforcing Hearing Panel orders; monitoring undertakings obtained at the completion of matters by other departments within the Professional Regulation Division; ensuring that bankrupt members comply with the appropriate by-law; enforcing judgments and mortgages obtained by or assigned to the Compensation Fund; and assisting in the drafting of standard terms for Hearing Panel orders and lawyer undertakings to ensure enforceability.

## *Discrimination and Harassment Counsel*

Another forum for resolving complaints is the Discrimination and Harassment Counsel (DHC) program. The program is available to anyone who may have experienced discrimination or harassment by a lawyer. While the Law Society provides funding for the program, the DHC operates at arms-length from the Society, and the services are offered free-of-charge to the Ontario public, including law firm staff, students and lawyers. The DHC confidentially assists callers by advising on the various options available and may resolve disputes where appropriate.

In 2005, 180 individuals contacted the DHC. Of these, 60 per cent were within the mandate of the DHC, and 33 per cent were complaints regarding harassment or discrimination.

Members of the public accounted for 62 per cent of complaints received by the DHC, and lawyers accounted for 38 per cent. Women accounted for 77 per cent of complaints received by the DHC. ■

In addition to its regulatory activities, the Law Society also provides trusteeship services and operates a compensation fund for those who have suffered loss due to lawyer dishonesty

### *Trustee Services*

The Law Society has authority under the *Law Society Act* (section 49.47) to obtain trusteeship of a lawyer's practice where a lawyer has abandoned his/her practice, has been disbarred or has otherwise ceased to practice. Through the Law Society's trusteeship powers, the Trustee Services department carries out the Law Society's mandate to protect the public interest by taking possession of the practice, if necessary, notifying clients of the issues, and responding to inquiries from clients about outstanding matters or client files and documents. The department also provides information and assistance to lawyers who are closing their practices. 12 trusteeships under the *Law Society Act* were obtained in 2005, and the department obtained trusteeships by negotiated agreement with members in approximately 20 more cases.

### *Unclaimed Trust Funds Services*

Under section 59.6 of the *Law Society Act*, the Law Society has established a program that enables lawyers to submit unclaimed trust funds that they have held for at least two years to the

<b>Unclaimed Trust Funds</b>	
Files Received	469
Approved	327
Denied	116
Pending	26
<b>Total Received in 2005</b>	<b>\$239,719</b>

Law Society. Members of the public who believe they are entitled to these funds are able to make claims for these funds.

### *Lawyers' Fund for Client Compensation*

This fund is a longstanding consumer protection measure that the Law Society provides for the public. The Lawyers' Fund for Client Compensation, which is paid for by lawyers, helps clients who have lost money because of a lawyer's dishonesty. Clients can apply to the Fund for reimbursement for lost money or property. Over the last 50 years, the Fund has paid out millions of dollars to help clients. The Fund can reimburse individuals for up to a maximum of \$100,000, pursuant to the general guidelines for the determination of grants. Typical losses fully or partially covered by the Fund include money stolen from estates, money taken from trust funds held for real estate closings, and money taken from settlements and in personal injury cases. ■

#### **2005 Compensation Fund**

New claims / applications received	<b>261</b>
Value of new claims with limits applied	<b>\$7,170,156</b>
Total amount of grants (paid out on 193 claims)	<b>\$3,272,000</b>

ENSURING ACCESS TO JUSTICE AND CREATING A MORE REPRESENTATIVE, MORE INCLUSIVE LEGAL PROFESSION CONTINUES TO DRIVE THE LAW SOCIETY'S EQUITY AND DIVERSITY INITIATIVES. Guided by the *Bicentennial Report on Equity Issues in the Legal Profession* and the *Bicentennial Implementation Status Report*, the Law Society continued to work to implement many of the recommendations and promote equity and diversity in the legal profession.

Consultation and research are important to the development of policies and programs that promote equality and diversity.

In 2005, the Law Society's Equity and Aboriginal Issues Committee created five working groups to develop policies and programs to address a range of issues in the profession:

- Disability Working Group
- Aboriginal Working Group
- Retention of Women in Private Practice Working Group
- Anti-Semitism/Respect for Faiths/Spiritual Beliefs Working Group
- French Legal Services Working Group

The Disability Working Group focused on developing strategies to address barriers faced by law students and lawyers with disabilities in accessing and remaining in the legal profession. Members of the working group consulted with students and lawyers with disabilities from across Ontario to determine what programs and initiatives could be developed to address barriers.

Based on this consultation, the Disability Working Group presented the *Increasing Access to the Legal Profession Report* to Convocation in December 2005. The report provides an overview of findings on systemic issues faced by persons with disabilities generally and in the legal profession. It also discusses the definitions of disability, provides an outline of studies undertaken in Canada and the United States and analyzes the findings of the consultation. The legal requirements in Ontario are outlined and proposals for future action are recommended.

Convocation adopted the working group's recommendations, which include the development of a mentoring and peer support program, online resources and other initiatives to increase access to the legal profession for law students and lawyers with disabilities.

The Aboriginal Working Group focused on developing strategies to assist Aboriginal members of the profession and students seeking admission to the Ontario bar. This working group acts as an advisory group in the consultation process with Aboriginal members of the bar.

### The Changing Face of the Legal Profession – 2001-2005

	% of General Population, Based on 2001 Census Data	% of Total Bar Admission Course Students in 2001	% of Total Bar Admission Course Students in 2002	% of Total Bar Admission Course Students in 2003	% of Total Bar Admission Course Students in 2004	% of Total Bar Admission Course Students in 2005
<b>Women *</b>	51.2%	53%	53%	53%	55.1%	<b>54%</b>
<b>Racialized communities**</b>	19%	20%	16.5%	18.8%	21.5%	<b>15%</b>
<b>Francophones**</b>	4.3%	5%	5.4%	5.8%	6.6%	<b>5%</b>
<b>Aboriginal Peoples**</b>	1.6%	1%	1.7%	1.4%	1.9%	<b>1.5%</b>

\* Based on applications for students who entered the Bar Admission Course in 2001 through 2005. Enrollment in 2005 was 1,327.

\*\* Percentages obtained from applications for the Bar Admission Course in 2001 through 2005, in which applicants voluntarily self-identified.

In the last five years, the number of women called to the bar has outpaced the number of men. The Retention of Women in Private Practice Working Group is considering what resources can be developed to retain women lawyers in private practice.

The Anti-Semitism and Respect for Faith and Spiritual Beliefs Working Group focused on developing strategies to counteract racism and other forms of hatred and discrimination.

In March 2005, Convocation unanimously adopted this working group's report, *Respect for Religious and Spiritual Beliefs – A Statement of Principles*. The report discusses the meaning of religion and creed, provides an overview of Canada's various faiths, discusses religiously motivated discrimination and hate crimes, analyzes legal developments in Ontario and Canada and presents a statement of principles.

The French Legal Services Working Group focused on developing strategies to enhance awareness of lawyers' obligations to inform their clients, where applicable, of their right to receive legal services in the French language.

In addition to these five working groups, the Law Society established an Employment Opportunities for Articling Students Task Force, which focused on ways to help articling students, including those who belong to diverse communities, find suitable positions.

The Law Society continues to promote equality and act as a role model and as a resource for the legal profession. It maintains best practices and model policies to guide lawyers in promoting equality and diversity in all areas of their practice, including in employment and in the provision of services.

Written policies on equity issues encourage respect for and acceptance of individuals from diverse groups, such as those protected under the *Ontario Human Rights Code* and the Law Society of Upper Canada's *Rules of Professional Conduct*. Both the *Code* and the *Rules* protect employees, including those in law firms, against harassment and discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

### Call to the Bar Statistics – 2001-2005

Year	Total Called	Female	% of Total	Male	% of Total
2000	1,074	537	50%	537	50%
2001	1,047	539	51%	508	49%
2002	2,381*	1,246	52%	1,135	48%
2003	1,262	678	54%	584	46%
2004	1,307	690	53%	617	47%
2005	1,064	607	57%	457	43%

\* As a result of changes to the Bar Admission Course, there were two major Calls in 2002.

In 2005, the Law Society updated the *Guide to Developing a Law Firm Policy Regarding Accommodation Requirements*. The model policy assists lawyers and law firms to be more accessible and to provide accommodations within employment and in the provision of services to clients.

The Law Society continues to promote greater equity and diversity through customized professional development programs and speaking engagements for lawyers and staff. These are delivered in legal organizations in various regions of Ontario.

The number of women called has progressively increased over the past few years, and this is happening across the province. The above statistics reflect new members called at annual major call ceremonies.

In 2005, the Law Society strengthened its Discrimination and Harassment Counsel Program by appointing two Alternate Discrimination Harassment Counsel. The Discrimination and Harassment Counsel and the Alternate Counsel provide confidential advice to those who believe that they have been harassed or discriminated against by a lawyer.

## COLLABORATING WITH COMMUNITIES

Collaboration with advocacy groups, community agencies and legal associations has been a hallmark of our equity initiatives. We believe that by working in collaboration with our stakeholders we can do more to promote equity and diversity in the profession than if we worked alone.

Our equity working groups, which identify and provide advice and input on equality issues, include representation from the Canadian Association of Black Lawyers, *Association des juristes d'expression française de l'Ontario* and

the South Asian Legal Clinic of Ontario, to name a few.

Members of the profession and the public continue to attend our public education events in record numbers. These events encourage the



## *Engaging communities and exchanging ideas*

*The Law Society's public legal education series continues to draw record attendance. On May 5, 2005, Senator Mobina Jaffer*

*– the first East Indian, first Muslim woman and first African appointed to the Senate of Canada – delivered an inspiring speech about how far equality rights have advanced in Canada relative to other parts of the world at a reception to celebrate South Asian Heritage Month. Senator Jaffer also called upon the young lawyers and judges in attendance to be vigilant in upholding rights, and to not be silent in advancing equality rights for all Canadians.*

exchange of information and ideas on legal issues relating to the rights and needs of the Aboriginal, Francophone and equality-seeking communities. Our 2005 events continued to attract capacity crowds that included many groups and individuals new to these types of forums.

We celebrate days and months of significance throughout the year, such as Black History Month in February, Pride Week in June, and Louis Riel Day in November. The Law Society commemorated these occasions with public legal education forums. We are also making the panel discussions and keynote addresses available to wider audiences through archived webcasts. Nine events were held in 2005.

We also continued in 2005 to add to our list of partners, which now include:

- Aboriginal Legal Services of Toronto
- ARCH Disability Law Centre
- Association des juristes d'expression française de l'Ontario
- Association for Native Development and the Performing and Visual Arts
- B'nai Brith Canada
- Canadian Association of Black Lawyers
- City of Toronto
- Department of Justice
- Feminist Legal Analysis Committee of the OBA
- Indigenous Bar Association
- Law schools
- Metis National Council
- Metis Nation of Ontario
- Ministry of the Attorney General
- Official Languages Committee of the OBA
- Pro Bono Law Ontario
- Rotiio > tatiies Aboriginal Advisory Group
- Sexual Orientation and Gender Identity Committee of the Ontario Bar Association (OBA)
- South Asian Legal Clinic of Ontario
- Women's Future Fund
- Women's Law Association of Ontario

### Tsunami relief initiative

In 2005, the Law Society worked with the South Asian Legal Clinic of Ontario (SALCO) and Pro Bono Law Ontario (PBLO) to assist members of communities in Ontario who have been affected by the South and Southeast Asian tsunami disaster of December 26, 2004.

Representatives of the Law Society and SALCO attended a number of community meetings and contacted various lawyers and organizations to identify the needs of the

communities affected by the tsunami. The Law Society also established a telephone line (including a toll-free line) and an e-mail address for members and the public wishing to participate in this initiative. A list of lawyers willing to do *pro bono* work for people affected by the tsunami was compiled and referrals provided to the public on a case-by-case basis. The *pro bono* lawyers assessed potential cases and assisted those whose families were affected by the tsunami with immigration assistance.

## STUDENT OUTREACH AND MENTORSHIP

**The Law Society's support for equity and diversity principles also extends to students. We promote law as a career choice for young people in order to make the profession more representative of Ontario's communities.**

Central to the Law Society's student outreach efforts is the Equity and Diversity Mentorship Program, which promotes law as a career choice and assists law students and recent calls to the bar by matching mentors – experienced members of the bar – with new lawyers, bar admission candidates and students in law school, university and high school. In 2005, 145 members of the Law Society volunteered as mentors. This is a nearly 50 per cent increase from 2004 and a more than 100 per cent increase from 2003. The program was also expanded and now includes the Greater Toronto Area, Ottawa, Windsor, Kitchener, Lindsay, Barrie, Bancroft, Trenton, Oakville, London and Hamilton.

In 2005, the Law Society, in conjunction with the Native Law Student Association of the University of Toronto and the Aboriginal Law Student Association of Osgoode Hall, York

University, hosted its second career symposium, giving Aboriginal students an opportunity to meet with Aboriginal members and leaders of Ontario's legal profession. As a result of the success of the symposium, the program has been expanded to include students from all Ontario law schools.

This program complements other Law Society programs such as the Aboriginal Elders' Student Supports and the Student Success Centre, which offer students guidance, support and services, as well as accommodation for students with special needs.

Through these initiatives the Law Society is making steady progress in ensuring the legal profession reflects the communities it serves. We intend to keep building on these efforts in 2006. ■

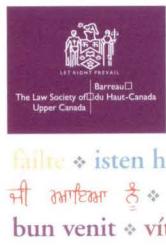
## **E**NHANCING OUR COMMUNICATIONS AND OUTREACH EFFORTS WITH MEMBERS OF THE PUBLIC AND LEGAL PROFESSION CONTINUES TO BE A KEY FUNCTION AT THE LAW SOCIETY.

As a regulatory body with a public interest mandate, the Law Society understands how important it is for all our stakeholders to understand our role, the services we provide and how we govern effectively.

As technology continues to dominate the environment in which we operate, tools like the Internet are fast becoming the primary communications vehicles with which we reach our audiences.

In 2005, we continued to provide important news and information to members of the profession and the public in a timely, useful and relevant manner, and to make our products and services more accessible.

While technology is increasingly helping us reach many stakeholders, we recognize that to be accessible to all, other communications methods remain necessary. In 2005, we continued to employ an integrated strategy, communicating with our various stakeholders through a range of cost effective methods that combined media relations, Web-based technology, and print publications.



**Welcome** ♦ Bienvenue ♦ Mirëseer'dhët! ♦ ଶବ୍ଦାଗତମ ♦ Benvenuto ♦ velkommen ♦ sanibona ♦ dôrn ráp ♦ paghati! ♦ dobrodôšao ♦ tervetuoa ♦ maligayang paghati! ♦ hwanyöng ♦ ♦ Ká λογ γήθαζε ♦ willkommen ♦ karibu kwa ♦ welkom ♦ failte ♦ isten hozta ♦ maligayang pagdating ♦ selamat datang ♦ Bem vindes ♦ नी आपार दुः ♦ ahlan wa-sahlan ♦ fáilte ♦ merhba ♦ mabuhay ♦ bun venit ♦ vítejte ♦ velkomin ♦ خوش امدید ♦ 歡迎

### ***Media Relations***

The Law Society places a high level of importance on developing relationships with the media, which continues to serve as an important information source for both members of the public and the legal profession.

Our media relations efforts in 2005 focused on making the organization and our regulatory processes more transparent – to help the media and the public better understand how we regulate the profession in the public interest, the services we offer and how the Law Society can help them.

In June 2005 the Law Society hosted its first-ever reception for ethno-cultural media to help raise awareness about the Law Society's mandate and services and programs for the public. Several media outlets, including those serving the Chinese, German, Greek, Caribbean/Black, Japanese, South Asian, Filipino, Hispanic, Jewish and gay and lesbian communities attended the reception.

Also in 2005 the Law Society:

- Distributed 77 media releases, community notices and other announcements (49 in English, 25 in French and three in Tamil) on a range of issues of importance to the public and the legal profession.
- Continued to distribute a list of upcoming hearings and subsequent tribunal decisions on a monthly to bi-monthly basis. As a result, numerous media outlets routinely report the results of disciplinary hearings regarding lawyers within their communities.
- Received 585 media inquiries from media outlets and reporters on issues such as mortgage fraud, various rules and self-regulation.
- Conducted extensive media pitching, resulting in greater interest and coverage of the Law Society's call to the bar ceremonies, the increasing number of women entering the profession of law, and public programs and services including ways to find a lawyer and public legal education events.



*Malcolm Heins receives the award from left Elisa Schupp, VP, Toronto Bureau, CNW Group (the sponsor of this year's award) and Amanda Brewer, Immediate Past President of the IABC Toronto and Chair of the Selection Committee for the Communicator of the Year Award.*

Our communications efforts were recognized in 2005. The International Association of Business Communicators' Toronto Chapter named the Law Society's Chief Executive Officer Malcolm Heins Communicator of the Year. This prestigious award, formerly known as the CEO Award of Excellence, is given annually to a Canadian communicator whose achievements include initiating, directing, supporting and/or sustaining outstanding and effective communications programs.

## MAXIMIZING TECHNOLOGY TO COMMUNICATE BETTER IN A RAPIDLY CHANGING ENVIRONMENT

For many of our stakeholders, the Law Society's website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) is the "go to site" for news and information about the organization, legal issues and trends. We know this through research we conducted in 2004 in which we asked members of the public and the profession to express their views and tell us whether their information needs and expectations were being met by our public site.

One of the reasons our website is successful is because it is an information-based resource. There are currently over 20,000 pages on the site containing large volumes of useful information for a diversified audience base.

In 2005, we implemented a number of enhancements to make the website easier to use and to comply with internationally recognized guidelines for accessibility by persons with disabilities. Enhanced navigation guides users more efficiently through the content. The new text zoom function allows users to choose different font sizes to view content on the site. The Law Society also offers a separate text-only website that can help users with disabilities or users who rely on a screen reader or text browser to access all of the information published on the site.



In 2005, the website tracked almost 1.3 million visitors and 8.2 million page views.

Content on the home page is updated daily with breaking news and information of interest to the profession and the public – accounting for why daily traffic to the site is so high.

The website is particularly helpful for members of the public. For those who don't know how to find a lawyer, the site provides direction to our Lawyer Referral Service, as well as our online lawyer directory and Directory of Certified Specialists. There is also detailed information about our complaints process and the Lawyers Fund for Client Compensation, as well as direction to other legal resources, including legal aid, pro bono services and equity and diversity links.

Lawyers can use the site to keep up to date on important issues affecting the legal profession as well as changes in the *Rules of Professional Conduct*, by-laws and other regulations. They can also access a wide range of resources including practice management support and membership services through the site's Member Resource Centre.

### *Online Lawyer Directory*

The Law Society offers a lawyer directory on its website to help the public quickly and conveniently find contact information for a lawyer. The directory, which is updated every 24 hours, continues to be one of the Top 10 accessed pages on the Law Society's website.

Top 10 most requested pages
Home Page
Member Directory
For Students
Site Search
For the Public
Member Resource Centre
Lawyer Regulation
Finding a Lawyer
Directory of Certified Specialists
Contact Us

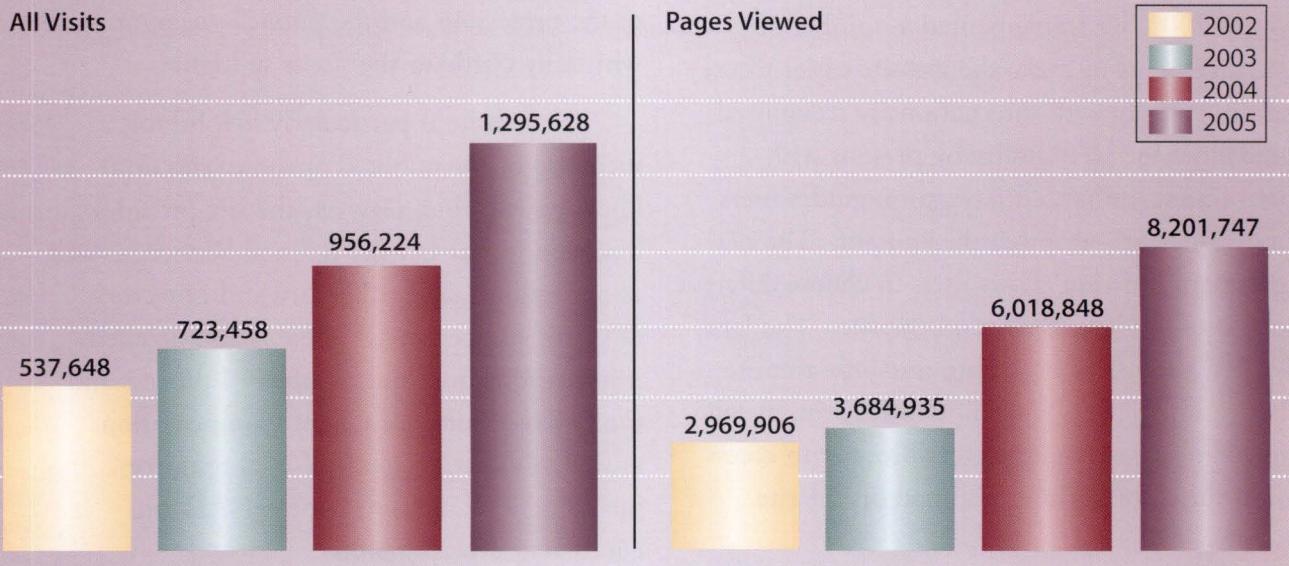
### *Professional Development through Technology*

A number of the Law Society's most popular learning methods for lawyers are dependent on technology, including the Interactive Learning Network, teleseminars and webstreaming. Such initiatives allow lawyers the convenience and cost efficiency of pursuing continuing legal education (CLE) programs online.

The Law Society has also been using interactive webcasts of selected CLE programs in partnership with BAR-eX

Communications Inc. since 2003. Webcasts feature live video and audio streaming, and include downloadable written materials. Participants can submit questions during the session. In 2005, we increased the number of live webcast programs on BAR-eX from 12 to 42, with 2,275 members taking advantage of this option.

### **Public Website Traffic – Comparison Analysis**



## e-Learning

The e-Learning site allows all students working toward admission to the Ontario bar to access video presentations and text materials online. Practice examinations and marking guides are also available for review.

In 2005, there were over 63,000 visits to the e-Learning site.

## Electronic Transactions

As a service for lawyers, the Law Society enables lawyers to file their Member's Annual Report (MAR) electronically, through the eForms on the website.

The eForms system is easy to use as an alternative to paper filing and is available on the public website in English and French.

The number of e-filings now surpasses the number of paper filings by lawyers. In 2005, 17,972 lawyers e-filed their MAR.

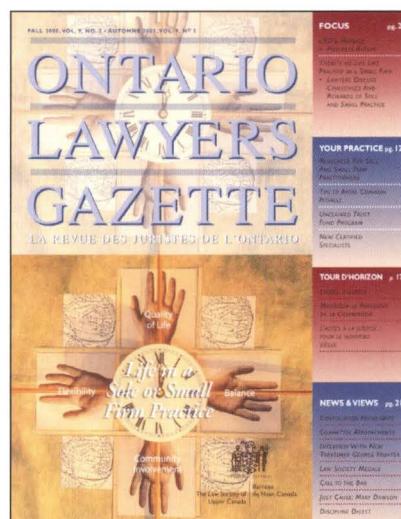
## Discrimination and Harassment Counsel Website

To increase public awareness of the Discrimination and Harassment Counsel (DHC) Program and provide members of the public and the profession with information and options, the Law Society continued to support the operation of a comprehensive website for the program. The website contains valuable information about the program, frequently asked questions, links to online publications and other helpful resources. In 2005, there were over 7,850 visitors to the site and almost 133,000 page views.

## Print Publications

The Ontario Lawyers Gazette is the primary publication the Law Society produces to deliver timely information of interest and relevance to the province's more than 36,500 lawyers, legal stakeholders and government officials. Given the rapidly changing legal environment, the proliferation of new laws, regulations and other statutory requirements, as well as other developments in the practice of law, the Ontario Lawyers Gazette continues to be an important information source.

The Law Society also distributes a series of brochures for the public to help them understand how we can help with their concerns or questions. The brochures address some questions we receive on issues that are not within our jurisdiction, and provide direction to appropriate resources.



## “THE RIGHT INFORMATION AT THE RIGHT PLACE AT THE RIGHT TIME”

In 2005, the Law Society initiated other technology and business enhancements to strengthen the operational infrastructure needed to successfully continue to deliver on our mandate and to ensure the security of information.

For example, the Law Society's Disaster Recovery Infrastructure provides alternative facilities (for designated key/essential staff) and continuity of essential computer operations in the event that Osgoode Hall facilities are not available in a crisis situation.

Other key initiatives in 2005 included new computer systems and business capabilities to support complaints handling and case management, to enable applicants for the Licensing Process to enroll online, to facilitate better management of our member database, to standardize how documents produced by the Law Society are named and stored, and to provide more efficient handling of forms and reports electronically filed to the Law Society by lawyers.

We are also working to ensure our vital data and information continues to be effectively managed as a strategic asset by continuously exploring ways to improve how the Law Society's computer systems data are stored, accessed, analyzed and protected.

Technology will continue to play a significant and growing role in the delivery of services to all our stakeholders – our members, the public, government departments and agencies, and our employees. We will continue to strengthen our capabilities and deliver the applications and technologies to ensure we have “the right information at the right place at the right time,” and to do so in an effective and cost-efficient manner. ■



## Fostering an informed and inclusive workforce

THE LAW SOCIETY CONTINUES TO FOSTER A WORK ENVIRONMENT WHERE ALL EMPLOYEES HAVE THE OPPORTUNITY TO GROW PROFESSIONALLY AND CONTRIBUTE TO THE LAW SOCIETY'S SUCCESS AS A REGULATOR. This is important in establishing the Law Society as an employer of choice and absolutely essential in providing members of the public and the legal profession with the quality of services they deserve.

In 2005, we undertook several initiatives to ensure that the development of our human resources talent is nurtured and directed. Our approach is to give employees the means to develop and enhance skills and competencies in their daily activities as well as through specific training and development opportunities.

The Law Society offered employees and managers several learning and training seminars and workshops during the course of the year. These programs included everything from preventing harassment and discrimination to effective project management and leadership.

Employee development opportunities are just one way the Law Society ensures a pool of talent. The other is a diversified workforce. We are dedicated to hiring capable employees who are reflective of the communities we serve. We complement this effort by continually promoting diversity and equity within the Law Society through developmental opportunities and education and training programs that encourage a positive work environment that is fair to all.

These initiatives help us develop unique points of view and perspectives that can translate into new services and solutions. It is worth noting that of the 404 employees comprising the Law Society's workforce, 68 per cent are women – approximately 60 per cent of whom are in managerial positions. The number of women in the Law Society's workforce exceeds provincial labour force diversity demographics by more than 20 per cent as determined by Statistics Canada in its 2001 census.

A total of 21 positions have been designated bilingual in French and English. We also have significant and growing representation of employees from other equality-seeking groups who can communicate in a range of languages such as Mandarin, Cantonese, Farsi, Spanish, Portuguese, Italian, Tamil and Tagalog.

We value the diversity of our workforce, and our employees' diverse skills, knowledge and life experiences. Our diversity helps us connect with and serve our stakeholders and it fuels our commitment to promote equality in our workplace and more broadly in the profession.

## A Top 100 Employer

Our efforts to become an employer of choice were rewarded with the Law Society's inclusion, for the third consecutive year, as one of "Canada's Top 100 Employers" by *Maclean's* magazine.

*Maclean's* publishes the list of Canada's top 100 employers every year in its magazine. The book, *Canada's Top 100 Employers*, is published by Mediabase Canada Inc. and is one of the country's best-selling business books. More than 7,500 employers were invited to apply this year, reduced from an initial list of over 55,000 employers reviewed by the magazine's editorial team.

Contenders completed an extensive application process that included a thorough review of their operations and practices. Finalists were graded in several categories including performance management, training and skills development, physical workplace and internal communications. The Law Society received high ratings in all of these categories and for its community involvement.

We are honoured to be included among Canada's best practice organizations. Being publicly recognized as an industry leader is an important validation of our efforts here at the Law Society to be a model regulator and employ human resources best practices.

As the Law Society moves forward, being an employer of choice will continue to be an organizational priority. By creating a workplace environment that is progressive, fair and principled, we demonstrate the value we place on our employees and those they serve: the people of Ontario and the legal profession. ■



## Law Society a Top 100 Employer

*"The common thread that runs through the finalists is that each is an industry leader...the employers chosen this year stand out from others in their industry in attracting and retaining quality employees...this year's "Top 100" employers are probably the most formidable competitors for human capital we've seen to date."*

Richard Yerema, Editor,  
*Canada's Top 100 Employers*

# *Managing our financial resources to deliver our public interest mandate*



**T**HE LAW SOCIETY OF UPPER CANADA IS PRIMARILY FUNDED BY LAWYERS IN THE PROVINCE OF ONTARIO. Each year, lawyers pay membership fees to support the operations of the Law Society (“the General Fund”), the Lawyers Fund for Client Compensation (“the Compensation Fund”) and County Law Libraries.

The Law Society's financial position continued to be solid in 2005, with a surplus for the year of \$367,000 in the Unrestricted Fund. Although the Compensation Fund experienced a deficit of \$1.6 million, this was the first deficit since the year 2000. The Compensation Fund balance stands at \$17.9 million, a relatively high balance in historic terms.

## *General Membership Fee*

The General Membership fee funds Law Society operations, particularly professional regulation and professional development and competence.

In 2005, the largest portions of the Law Society resources continued to be directed to supporting these functions.

- 42 per cent (\$22.8 million) of annual operating expenses were spent on our regulatory responsibilities. In recent years, we have increased the funding necessary to conduct investigations with a particular emphasis on mortgage fraud. A significant portion of the Professional Regulation Division budget was allocated to investigating and prosecuting mortgage fraud in 2005 and this is expected to continue in 2006. Additional regulatory

expenses for the Compensation Fund are discussed below.

- 39 per cent (\$21 million) of annual operating expenses were dedicated to programs and initiatives to help improve students' and lawyers' professional development and competence. 2005 saw the continued development in course delivery options for post-call education such as increasing the use of webcasts. 2005 was the final year of the Bar Admission Course, which will be replaced by the Licensing Process beginning May 2006. This will result in a reduction in student tuition fees from \$4,400 to \$2,600 per student.

## *Lawyers Fund For Client Compensation*

The average net claims expense in the four years preceding 2005 was \$1.7 million. However in 2005 the net claims expense totaled \$4.6 million contributing to a deficit for the year of \$1.6 million and a consequent reduction in the accumulated Fund balance to \$17.9 million. The Fund is still in a healthy position and the 2006 budget maintained the Fund levy at \$200.

## *Library Services*

Ontario lawyers continue to support three types of library-related services through their fees: County and District Law Libraries (through LibraryCo Inc.), the Great Library and the Canadian Legal Information Institute (CanLII).

The County Law Library portion of the 2005 membership fee (\$206 per member) substantially funded total LibraryCo expenditures of \$7.6 million in 2005. In 2005, funding of \$3 million was also allocated to the Great Library and an additional \$570,000 was allocated to CanLII.

## *Capital Assets*

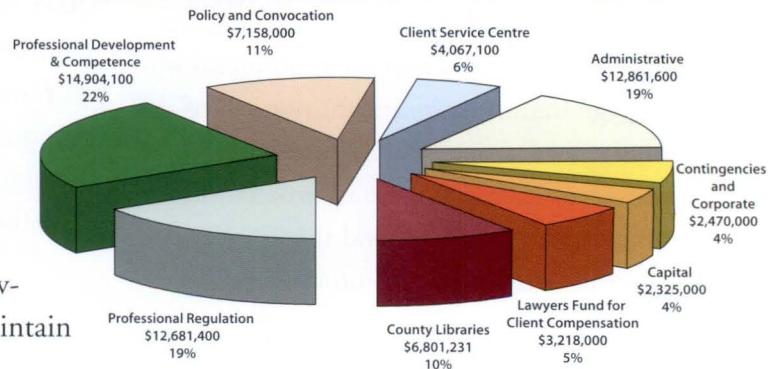
- In February 2004, Convocation approved the renovation of the North Wing of Osgoode Hall. The \$9.7 million project was completed shortly after the 2005 year-end, on time and on budget. Funding of this project has resulted in the Capital Allocation Fund decreasing from \$8.2 million to \$1.6 million during 2005. The renovation has optimized the use of space throughout the North Wing, has improved workflows and processes, has enhanced the aesthetics of the building's interior and exterior and improved accessibility for those with disabilities. In particular it has developed the Lamont Learning Centre into a flexible, multi-purpose facility, it has converted classroom space on the 3rd and 4th floors into office space and has extended elevator service to more areas of the building.
- The Law Society's property in Ottawa has been put up for sale as changes in the way educational programs are delivered means it is not worthwhile to maintain such a significant presence in Ottawa.

## *Overall Membership Levy*

The funding for all of this was achieved without increasing the overall membership levy for 2005, which remained at \$1,441. This was due in large measure to the use of \$1.4 million from the 2004 surplus and a \$30 decrease in the Compensation Fund portion of the overall levy, a reduction allowed by efforts to strengthen Compensation Fund reserves in prior years. In 2005, membership numbers increased by approximately 870 members, bringing the overall membership to more than 36,000.

After reducing membership fees 19% over the last four years, the Law Society has incorporated a 4.7 % overall membership levy increase in the 2006 budget to invest in critical regulatory programs and to support library services. For the first time in five years, the 2006 operating budget results in an increase in the membership levy, amounting to \$68 per member. This will provide appropriate funding to enable us to continue fulfilling our mandate and provide additional programs and services. The Law Society is on a solid financial footing, with strong reserves and a sustainable fee level. ■

## **Gross Expenditures by Function – 2006 Budget**



## ANNUAL GENERAL MEETING, 2006

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Wednesday, May 10, 2006

at 5:15 p.m.

Osgoode Hall, Toronto

### ORDER OF BUSINESS

- Minutes of the previous Annual General Meeting
- Report of the work of the Society and the committees of Convocation
- Presentation of the audited financial statements
- Matters of professional interest that are related to the work of the Society

## *Convocation Membership*



### NEW BENCHERS

Marshall Crowe, LSM was elected a bencher on June 22, 2005.

Paul J. Henderson and Janet E. Minor were elected benchers on February 23, 2006.

### APPOINTMENTS

Frank N. Marrocco, Q.C., was appointed to the Superior Court of Justice of Ontario on November 2, 2005.

Peter Bourque was appointed to the Ontario Court of Justice on February 15, 2006.

### DEATHS

The Hon. John D. Arnup, Q.C., LSM., a former Treasurer, passed away on October 5, 2005.

## BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

*Treasurer*

Gavin MacKenzie

*Elected Benchers*

Robert B. Aaron

Constance Backhouse, LSM

Larry Banack

Gordon Bobesich

John A. Campion

Kim A. Carpenter-Gunn

James R. Caskey, Q.C.

Earl A. Cherniak, Q.C.

Paul Copeland

Marshall Crowe, LSM

Carole Curtis

Mary Louise Dickson, Q.C.

Abraham Feinstein, Q.C.

Neil Finkelstein

Alan D. Gold

Gary Lloyd Gottlieb, Q.C.

Holly Harris

Thomas G. Heintzman, O.C., Q.C.

Paul J. Henderson

Ronald D. Manes

Robert Martin

W.A. Derry Millar

Janet E. Minor

Ross W. Murray, Q.C.

Tracey O'Donnell

Laurence A. Patillo

Laurie H. Pawlitz

Julian Porter, Q.C.

Judith M. Potter

Heather J. Ross

Clayton Ruby, C.M.

Mark Sandler

Alan G. Silverstein

William J. Simpson, Q.C., LSM

Joanne St. Lewis

Gerald A. Swaye, Q.C.

Beth Symes, LSM

Robert C. Topp

Bonnie R. Warkentin

Bradley H. Wright

*Appointed Benchers*

Andrea Alexander

Abdul A. Chahbar

Andrew F. Coffey

Anne Marie Doyle

W. Paul Dray

Sy Eber

Richard Filion

Allan Gotlib

*Ex-Officio Benchers*

Marion Boyd

The Hon. Michael J. Bryant

Ronald W. Cass, Q.C., LSM

The Hon. W. Dan Chilcott, Q.C.

John T. Clement, Q.C.

Austin M. Cooper, Q.C.

E. Susan Elliott, LSM

The Hon. George D. Finlayson, Q.C.

The Hon. James M. Flaherty, MP

Patrick Garret Furlong, Q.C., LSM

The Hon. Edwin A. Goodman, P.C., Q.C., Q.C.

Howard G. Hampton, MPP

Charles A. Harnick, Q.C., LSM

George D. Hunter

Prof. Vern Krishna, C.M., Q.C., FRSC

The Hon. Allan F. Lawrence, P.C., Q.C., LSM

Laura L. Legge, O.Ont., Q.C.

Daniel J. Murphy, Q.C.

Brendan O'Brien, Q.C., LSM

The Hon. Alan W. Pope, Q.C.

The Hon. Sydney L. Robins, Q.C., LSM

The Hon. Allan M. Rock, P.C., Q.C.

Arthur R.A. Scace, C.M., Q.C.

Ian G. Scott, Q.C.

Norm Sterling, MPP

Harvey T. Strosberg, Q.C.

J. James Wardlaw, Q.C., LSM

Roger D. Yachetti, Q.C.

David S. Young

*Honorary Benchers*

His Royal Highness Prince Charles, Prince of Wales

The Right Honourable Margaret Thatcher

Kenneth P. Jarvis, Q.C., RCA

The Honourable Lincoln M. Alexander, Q.C., LSM



Photograph of benchers in attendance at meeting of Convocation, March 23, 2006.

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### DIRECTOR, PROFESSIONAL REGULATION

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Michelle Strom  
416-598-5802  
Toll-free: 1-800-410-1013  
*michelle.strom@lawpro.ca*

### EXECUTIVE DIRECTOR, LIBRARYCO INC.

Suzan Hebditch  
905-639-7654  
Toll-free: 1-866-340-7578  
*shebditch@libraryco.ca*

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This report is available on the Law Society  
of Upper Canada website: *www.lsuc.on.ca*.

For additional copies, please contact the  
Communications Department at 416-947-5220.





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